

Notice of Allowability

Application No.

10/626,785

Applicant(s)

LEBNER, MICHAEL

Examiner

Darwin P. Erez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on June 7, 2007.
2. ☒ The allowed claim(s) is/are 19-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>1/8/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Farrell on 8/22/07.

The application has been amended as follows:

IN THE CLAIMS:

Replaced claim 1 with following:

19. (Currently Amended) A method for closing a laceration or incision, the method comprising:

a) providing a two-component device for closing a laceration or incision,

comprising:

i) a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from a first wound edge in a first direction, the first adhesive-backed anchoring member being protected by a two-stage release liner system comprising:

(1) a release liner with a bottom surface covering the adhesive-backed surface of the first anchoring member; and

(2) a semi-rigid tab attached to a portion of the top surface of the release liner, the semi-rigid tab comprising a first and a second edge, the first

edge being oriented generally parallel to the first wound edge of the first anchoring member and attached to the release liner at a position intermediate in the release liner between the portion of the release liner protecting the first wound edge and the portion of the release liner protecting the edge of the first anchoring member generally opposite the first wound edge, the second edge extending unattached beyond the first wound edge; the semi-rigid tab and release liner of the first component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member thereby exposing the first wound edge; and

- ii) a second component comprising a second adhesive-backed anchoring member and one or more second connecting members extending from one edge thereof in a second direction generally opposite to the first direction, the second adhesive-backed anchoring member being protected by a two-stage release liner system comprising:
 - (1) a release liner with a bottom surface covering the adhesive-backed surface of the second anchoring member; and
 - (2) a semi-rigid tab attached to a portion of the top surface of the release liner, the semi-rigid tab comprising a first and a second edge, the first edge being oriented generally parallel to a second wound edge of the

second anchoring member and attached to the release liner at a position intermediate in the release liner between the portion of the release liner protecting the second wound edge and the portion of the release liner protecting the edge of the second anchoring member generally opposite the second wound edge, the second edge extending unattached beyond the second wound edge; the semi-rigid tab and release liner of the second component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member; and

iii) means for attaching the one or more first connecting members to the second anchoring member and means for attaching the one or more second connecting members to the first anchoring member, the attachment of the connecting members to the anchoring members forming attached and bridging portions of the one or more connecting members, the attached portions being attached to an anchoring member, and the bridging portions spanning the over-laceration area between the first and second anchoring members[.];

b) flipping back the semi-rigid tabs of steps (a)(i)(2) and (a)(ii)(2) onto the portion of the associated release liner to which each semi-rigid tab is not attached by adhesive such that the portion of each release liner to which the associated

semi-rigid tab is not attached remains fully adhered to the associated anchoring member thereby exposing the first wound edge and second wound edge;

- bc) attaching the first and second components to the skin on opposite sides of the laceration or incision, the edge of the first and second components from which the one or more connecting members extend being the edge closest to the laceration or incision;
- ed) closing the laceration or incision by adjusting the position of the first and second anchoring members relative to each other in both an X and a Y dimension; and
- de) fixing the relationship between the first and second anchoring members established in step ed) by attaching the one or more first connecting members to the second anchoring member, and the one or more second connecting members to the second anchoring member.

Response to Amendment

- 2. The Declaration filed on 6/7/07 under 37 CFR 1.131 is sufficient to overcome the Weiser reference.

Reasons for Allowance

- 3. The following is an examiner's statement of reasons for allowance:

None of the prior art of record disclose or render obvious a method for closing a laceration or incision, the method comprising, inter alia, providing a two-component

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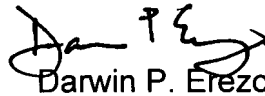
device comprising a first and second component, each component having a two-stage release liner having a semi-rigid tab; and the step of flipping back the semi-rigid tabs onto the portion of the associated release liner to which each semi-rigid tab is not attached by adhesive such that the portion of each release liner to which the associated semi-rigid tab is not attached remains fully adhered to the associated anchoring member thereby exposing the first wound edge and second wound edge and attaching the first and second components to the skin on opposite sides of the laceration or incision

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez who whose telephone number is (571) 272-4695. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Darwin P. Erez
Examiner
Art Unit 3731

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